

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LBS INNOVATIONS LLC,

Plaintiff,

V.

AARON BROTHERS, INC.;
ACADEMY, LTD.;
ADAMS GOLF, LTD.; COMERICA
INCORPORATED; COMPUSA.COM INC.;
CONN'S, INC.; FOSSIL INC.; GAMESTOP
CORP. DBA GAMESTOP CORP. OF
DELAWARE; HOMESTYLE DINING LLC;
HOTELS.COM, L.P.; PIER 1 IMPORTS, INC.;
RUG DOCTOR, INC.; STAGE STORES, INC.;
TIGERDIRECT, INC; AND WHOLE FOODS
MARKET, INC.,

Defendants.

Civil Action No. 2:11-cv-00142-DF

Jury Trial Demanded

PLAINTIFF'S DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

In accordance with the Court’s Order and P.R. 3-1 and 3-2, LBS Innovations LLC (“LBSI”) provides the following Disclosure of Asserted Claims and Infringement Contentions regarding Aaron Brothers, Inc.; Academy, LTD.; Adams Golf Ltd.; Comerica Inc.; CompUSA.com Inc.; Conn’s Inc.; Fossil Inc.; GameStop Corp DBA GameStop Corp. of Delaware; Homestyle Dining LLC; Hotels.com; Pier 1 Imports, Inc.; Rug Doctor, Inc.; Stage Stores, Inc.; TigerDirect, Inc.; and Whole Foods Market, Inc. (collectively the “Defendants”). LBSI makes these Disclosures without the benefit of formal, comprehensive discovery in this action and expressly reserves the right to amend or modify its Disclosures based on additional information obtained through formal discovery or other means.

INFRINGEMENT CONTENTIONS

P.R. 3-1 (a) Each claim of the patent in suit that is allegedly infringed by each opposing party;

LBSI contends that each of the Defendants infringe and has infringed claim No. 11 of the `956 patent.

P.R. 3-1 (b) Separately for each asserted claim, each accused apparatus, product, device, process, method, act, or other instrumentality ("Accused Instrumentality") of each opposing party of which the party is aware.

Based upon information presently available, LBSI contends that each defendant has infringed, either directly or by inducement, the asserted claims of the `956 patent by making, using, offering to sell, and/or selling within the United States the Accused Instrumentalities identified below.

Defendant Aaron Brothers, Inc.

Defendant Aaron Brothers has been and now is directly infringing one or more claims of the `956 patent by making and/or using in the United States the computer implemented website www.aaronbrothers.com, which has a store or dealer location interface at http://www.aaronbrothers.com/store_locator.

In addition, upon information and belief, Aaron Brothers may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that Aaron Brothers will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendant Academy, LTD.

Defendant Academy has been and now is directly infringing one or more claims of the '956 patent by making, and/or using in the United States the computer implemented website www.academy.com, which has a store or dealer location interface at <http://www.academy.com/index.php?page=content&target=company/locator/map&lnkSRC=Header>.

In addition, upon information and belief, Academy may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that Academy will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendant Adams Golf Ltd.

Defendant Adams Golf has been and now is directly infringing one or more claims of the '956 patent by making and/or using in the United States the computer implemented website www.adamsgolf.com, which has a store or dealer location interface at <http://www.adamsgolf.com/retail/index.php>.

In addition, upon information and belief, Adams Golf may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that Adams Golf will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed

by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendant Comerica Inc.

Defendant Comerica has been and now is directly infringing one or more claims of the '956 patent by making and/or using in the United States the computer implemented website www.comerica.com, which has a store or dealer location interface at http://campaign.comerica.com/local?utm_source=comerica-com&ct=1.

In addition, upon information and belief, Comerica may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that Comerica will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendants CompUSA.com Inc. and TigerDirect, Inc.

Defendants CompUSA.com and TigerDirect have been and now are directly infringing one or more claims of the '956 patent by making, and/or using in the United States the computer implemented websites www.compusa.com and www.tigerdirect.com, which have store location interfaces at <http://www.blipstar.com/blipstarplus/viewer/blipstar.php?uid=1641491> and <http://www.compusa.com/retailstores/compusaStores/index.asp>.

In addition, upon information and belief, CompUSA.com and TigerDirect may have

systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that CompUSA.com and TigerDirect will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendant Conn's Inc.

Defendant Conn's has been and now is directly infringing one or more claims of the '956 patent, including claim 11, in violation of 35 U.S.C. § 271 by making, and/or using in the United States the computer implemented website www.conns.com, which has a store or dealer location interface at <http://www.conns.com/locator/index/>.

In addition, upon information and belief, Conn's may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that Conn's will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendant Fossil Inc.

Defendant Fossil has been and now is directly infringing one or more claims of the '956 patent by making, and/or using in the United States the computer implemented website

www.fossil.com which has a store or dealer location interface at http://www.fossil.com/en_US/shop/fossil-store_locator.html.

In addition, upon information and belief, Fossil may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that Fossil will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendant GameStop Corp DBA GameStop Corp. of Delaware

Defendant GameStop has been and now is directly infringing one or more claims of the '956 patent by making, and/or using in the United States the computer implemented website www.gamestop.com which has a store or dealer location interface at <http://www.gamestop.com/StoreLocator.aspx>.

In addition, upon information and belief, GameStop may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that GameStop will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendant Homestyle Dining LLC

Defendant Homestyle Dining has been and now is directly infringing one or more claims of the '956 patent by making, and/or using in the United States the computer implemented websites www.bonanzasteakhouses.com and www.ponderosasteakhouses.com which have a store location interfaces at http://www.bonanzasteakhouses.com/bonanza/locator_map.php and http://www.ponderosasteakhouses.com/ponderosa/locator_map.php respectively.

In addition, upon information and belief, Homestyle Dining may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that Homestyle Dining will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendant Hotels.com

Defendant Hotels.com has been and now is directly infringing one or more claims of the '956 patent by making, and/or using in the United States the computer implemented website www.hotels.com which has a hotel or dealer location interface reached by hitting the "show map" button from the search result page.

In addition, upon information and belief, Hotels.com may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that Hotels.com

will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendant Pier 1 Imports, Inc.

Defendant Pier 1 has been and now is directly infringing one or more claims of the '956 patent by making, and/or using in the United States the computer implemented website www.pier1.com, which has a store or dealer location interface at <http://www.pier1.com/TopMenu/FindaStore/tabid/55/Default.aspx>.

In addition, upon information and belief, Pier 1 may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that Pier 1 will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendant Rug Doctor, Inc.

Defendant Rug Doctor has been and now is directly infringing one or more claims of the '956 patent by making, and/or using in the United States the computer implemented website www.rugdoctor.com, which has a store or dealer location interface at <http://rent.rugdoctor.com/map/map.html>.

In addition, upon information and belief, Rug Doctor may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take

formal discovery of such systems and/or methods. In addition, LBSI expects that Rug Doctor will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendant Stage Stores, Inc.

Defendant Stage Stores has been and now is directly infringing one or more claims of the '956 patent by making, and/or using in the United States the computer implemented websites www.stagestores.com, www.beallstx.com, www.goodysonline.com, www.palaisroyal.com, and www.peebles.com, which have a store location interfaces at <http://www.stagestores.com/store-locator>, <http://www.beallstx.com/store-locator>, <http://www.goodysonline.com/store-locator>, <http://www.palaisroyal.com/store-locator>, and <http://www.peebles.com/store-locator> respectively.

In addition, upon information and belief, Stage Stores may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that Stage Stores will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

Defendant Whole Foods Market, Inc.

Defendant Whole Foods has been and now is directly infringing one or more claims of the '956 patent by making, and/or using in the United States the computer implemented website www.wholefoodsmarket.com, which has a store or dealer location interface at <http://www.wholefoodsmarket.com/stores/>.

In addition, upon information and belief, Whole Foods may have systems and/or methods which are presently either not known or not understood by LBSI. Thus, LBSI intends to take formal discovery of such systems and/or methods. In addition, LBSI expects that Whole Foods will disclose any other methods and/or systems that function the same or similar to the Accused Instrumentalities, or that otherwise fall within the scope of infringement disclosed by LBSI in accordance with its disclosure and discovery obligations. Accordingly, LBSI reserves the right to supplement and/or amend these infringement contentions in accordance with P.R. 3-6.

P.R. 3-1 (c) A chart identifying specifically where each element of each asserted claim is found within each Accused Instrumentality, including for each element that such party contends Accused Instrumentality that performs the claimed function;

A chart identifying specifically where each element of each asserted claim is found within each Accused Instrumentality for each defendant is set forth in exhibits attached hereto.

<u>Defendant</u>	<u>Exhibit</u>
Aaron Brothers, Inc.	Exhibit A
Academy, LTD.	Exhibit B
Adams Golf Inc.	Exhibit C
Comerica Inc.	Exhibit D
CompUSA.com Inc. and TigerDirect, Inc.	Exhibit E

<u>Defendant</u>	<u>Exhibit</u>
Conn's Inc.	Exhibit F
Fossil Inc.	Exhibit G
GameStop Corp DBA GameStop Corp. of Delaware	Exhibit H
Homestyle Dining LLC	Exhibit I
Hotels.com	Exhibit J
Pier 1 Imports, Inc.	Exhibit K
Rug Doctor, Inc.	Exhibit L
Stage Stores, Inc.	Exhibit M
Whole Foods Market, Inc.	Exhibit N

P.R. 3-1 (d) Whether each element of each asserted claim is claimed to be literally present or present under the doctrine of equivalents in the Accused Instrumentality;

LBSI presently asserts that each element of each asserted claim is literally present within each of the Defendants' Accused Instrumentalities. To the extent that the Accused Instrumentalities of Defendants are not found to literally meet a claim element of one of these asserted claims, LBSI contends that such instrumentalities are insubstantially different from the claimed invention of the '956 patent and, therefore, would infringe under the doctrine of equivalents.

P.R. 3-1 (e) For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled;

The asserted claim of the '956 patent does not claim priority to an earlier application.

All of the claims are entitled to a priority date at least as early as June 12, 1997.

P.R. 3-1 (f) If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party must identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim.

LBSI does not claim that it presently owns an apparatus, product, device, process, method, act, or other instrumentality that practices the invention claimed by the '956 patent.

LBSI'S ACCOMPANYING DOCUMENT PRODUCTION

LBSI identifies the following documents, which may correspond to P.R. 3-2 categories (a), (b), and (c).

P.R. 3-2(a):

LBSI does not presently have possession, custody or control of any non-privileged documents sufficient to evidence any discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the claimed invention prior to the date of application for the patent in suit. No documents are currently being produced.

P.R. 3-2(b):

LBSI is currently searching for documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the filing date of the '956 patent, June 12, 1997. LBSI will timely supplement this production when and if any responsive documents are located.

P.R. 3-2(c):

The file history for the '956 patent is produced herewith labeled as LBSI 000001-000321.

Dated: June 27, 2011

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

By: /s/ Brian A. Carpenter
Christopher M. Joe (Lead Attorney)
Christopher M. Joe
State Bar No. 00787770
Chris.Joe@BJCIPLaw.com
Eric W. Buether
State Bar No. 03316880
Eric.Buether@BJCIPLaw.com
Brian A. Carpenter
State Bar No. 03840600
Brian.Carpenter@BJCIPLaw.com
Mark D. Perantie
State Bar No. 24053647
Mark.Perantie@BJCIPLaw.com

1700 Pacific Avenue
Suite 2390
Dallas, Texas 75201
Telephone: (214) 466-1273
Facsimile: (214) 635-1829

**ATTORNEYS FOR PLAINTIFF
LBS INNOVATIONS LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via e-mail on this 27th day of June, 2011.

/s/ Brian A. Carpenter

Brian A. Carpenter